Draft Decision Notice

Lolo First 50 Road Decommissioning Project

USDA Forest Service
Lochsa Ranger District, Nez Perce-Clearwater National Forest
Idaho and Clearwater Counties, Idaho

Introduction

The Lolo First 50 Road Decommissioning Project Environmental Assessment (EA) documents the analysis and findings of a no action and one action alternative for decommissioning roads in the Lolo Creek Project Area. I have reviewed the EA and related materials, including the analysis file and all public comments to the EA. I base my decision upon that review.

The project area is about 78,600 acres in size. It is located in T33N, R5E and R6E; T34N, R5E, R6E and R7E; T35N, R5E, R6E and R7E, and T36N, R5E, R6E and R7E, Boise Meridian, Idaho and Clearwater Counties, Idaho. The area lies about 12 miles east of Kamiah, Idaho. The project area includes roads on Forest Service managed lands within Lolo Creek and its tributaries.

Portions of the project area have been managed for timber production and roads were constructed to provide access to harvestable areas. Forest sytem roads were engineered and built to allow for long term use. Metal culverts were installed at stream crossings. Main haul routes had gravel surfaces and lesser used routes were either graveled or had a native (dirt) surface. Other roads were built and used in the 1950s and 1960s for short term use to accommodate logging equipment and skid trails. These are considered non-system roads.

An interdisciplinary team conducted a roads analysis to determine which roads were no longer needed for management (timber, fire, recreation, administrative). The Lolo First 50 Project is a partial result of that analysis. Additional roads considered for decommissioning in the Lolo Creek area would be analyzed under the Lolo Insect and Disease Project. This project supports the continued desire for the Lochsa District to conduct restoration activities that benefit both aquatic and terrestrial resources.

Purposed and Need For Action

The purpose and need for the Lolo First 50 Road Decommissioning project is described in detail on page 6 of the EA. The primary objective for decommissioning roads is to reduce watershed impacts by reclaiming roads no longer needed for management. These roads have the potential to fail in the future and deposit sediment into streams. Removing roads from the landscape also reduces road maintenance costs. The purpose and need supports proposed actions to decommission roads.

Decision

After careful consideration of the analyses, applicable laws, and public comments, I have decided to implement Alternative 2. This decision is based on information contained in the

project record including the EA and the effects analysis described in Chapter 3, the resource specialist reports, the management requirements of the applicable laws and policies, the mitigation measures and design features described below and the comments received during the public involvement process for this project. Alternative 2 will implement the following management practices and activities.

Management Activities

Under this alternative, the Forest Service would meet the project purpose and need by implementing the following activities:

- Decommission 41 miles of Forest Service system roads. These roads are not needed for future management. The activities would remove about 98 culverts, all on live streams, and recontour the hillslope where necessary. Motorized used is currently prohibited on 13 miles of these roads and of the 28 miles of road open for use, only about 15 miles are currently drivable.

- Decommission 25 miles of non-system skid trails or logging roads. These roads have not been used for management in the recent past and are not needed in the future. The activities would remove structures on live stream crossings and recontour the hillslope where necessary. These roads are grown over with vegetation and are not travelable by motorized vehicles.

Design features are described below and will be implemented as part of my Decision.

Design Features

All roads have been surveyed to determine the specific treatment needs. Treatments range from abandonment to full recontour of the slope. Factors used to determine the amount of treatment include length, slope, and the locations of seeps, streams, and unstable areas. Given the topography of the area, most of the roads would receive the following treatments unless identified otherwise:

- Where noxious weeds exist, roads would be pre-treated with appropriate chemicals (the effects of weed treatment was analyzed under the Lochsa Weeds EA, 2007)
- Road surfaces would be decompacted and road prisms recontoured or strongly outsloped, fill would be removed from unstable areas.
- For every road, all culverts and ditches would be removed.
- Gates previously used to prevent vehicle access will be removed and the area around them made so that the area is inaccessible to vehicles. The forest has been successful in preventing use of these roads by motorized vehicles after obliteration is complete.
- A narrow (2’ wide) trail will be created at the top edge of the decommissioned road to allow for unimpeded foot and wildlife traffic.
- Where regularly used dispersed campsites occur at the beginning of a road to be decommissioned, the extent of the area where the campsite occurs would be retained.
- At completion, the decommissioned road will no longer require maintenance and would not be accessible to motorized vehicles.

The following design features would be used to minimize sediment delivery and other impacts to streams during culvert removal and road decommissioning. These measures may include any combination of the following:

- The contractor would submit a plan for controlling erosion during obliteration activities. The plan would address any activities that have the potential to add sediment to streams.
- When working in the stream, remove all fill around pipes before water bypass installation and pipe removal. Where this is not possible, use a non-eroding diversion. Use a non-eroding diversion in any channels where the culvert has been removed or has failed;
- The stream would be dewatered at the site using a non-eroding, water tight diversion during excavation. Settling basins or other methods would be used to ensure that muddy water does not return to the stream. Diversions would be installed operated and removed such that erosion and sedimentation is minimized.
- Fill material would be placed in stable areas outside of stream channels and flood plains;
- Channel banks would be armored with large rock, woody debris and vegetation when needed.
- Treatments along stream crossings require a complete recontour of all fill material with stream channels restored to natural grade and dimensions.
- Revegetation of treated areas would occur by seeding with a native seed mix, scattering duff excavated from natural ground above road cutslope, and transplanting native forbs and shrubs which are growing on-site either adjacent to or on the road surface (clump planting).
- Mulching of disturbed ground would occur using natural mulch (onsite woody debris, logs, and stumps) as well as imported weed-free straw mulch (used in areas where natural mulch is scarce).
- The contractor would dispose of removed culverts and other structural materials off National Forest ground.
- Equipment used for instream work shall be cleaned of external oil, grease, dirt and mud; and leaks repaired; prior to arriving at the project site. This cleaning shall also remove all dirt and plant parts to ensure that noxious weeds and aquatic invasive species are not brought to the site. All equipment would be inspected by the COR before unloading at site. Equipment would be inspected daily for leaks or accumulations of grease, and identified problems corrected before entering streams or areas that drain directly to streams or wetlands.
- Equipment used for in-stream or riparian work (including chainsaws and other hand power tools) shall be fueled and serviced in an area that would not deliver fuel, oil, etc. to riparian areas and streams.
- The project would follow the provisions to minimize equipment fuel/oil leakage and spills.

Project design features are aimed at minimizing effects to specific resource issues. Many of these are derived from site specific best management practices (BMP) from the Idaho Forest Practices Act and Stream Channel Alteration Handbook.

Best Management Practices (BMPs) would be applied to maintain slope stability, and minimize soil disturbance, erosion and sediment delivery to floodplains and/or wetlands from road decommissioning work.

Any required permits for disturbance of water or wetlands would be obtained prior to initiating

work (Army Corps of Engineers 404 permit, Idaho Department of Water Resources Stream Alteration Permit). Any mitigation measures identified in the permitting process would be incorporated into the project plans.

Monitoring

No specific monitoring for the project is proposed; however some monitoring may occur in coordination with other road decommissioning activities across the Forest. The Forest Watershed Coordinator would be responsible for any monitoring of project activities.

Rationale for the Decision

My criteria for making a decision on this project was based on how well the management actions analyzed in the EA address the purpose and need of the project, and considerations of issues that were raised during the scoping process and the comment period on the EA. I considered Forest Plan and Record of Decision standards and guidance for the project area, and took into account competing interests and values of the public.

I have reviewed the proposed action (EA page 7) and have determined it is responsive to the issues and concerns as well as purpose and need for action. The issues (EA, page 8) were developed based on public comments and an interdisciplinary review of existing conditions in the project area. The purpose and need for action (EA, page 6) is consistent with the goals and objectives of the Forest Plan (EA page 24). I have also read and considered actions analyzed in the Forest Plan as amended, the Forest Plan Final Environmental impact Statement, the Forest Plan Record of Decision and the Forest Plan Stipulation of Dismissal.

I reviewed the issues that were considered but not analyzed in detail (EA, pages 9-10) to ensure that an adequate range of alternatives was considered. I reviewed public comments from the original scoping period as well as those that were received for the EA, and found that no new issues or concerns were raised.

The interdisciplinary team (IDT) considered all public comments that were received when developing the EA. One alternative was considered in detail. I find that the range of alternatives considered was thorough and complete, based on existing conditions on the ground in combination with public comments and concerns.

In summary, environmental effects to overall ecosystem health are determined to be beneficial in this analysis (EA, Chapter 3), with potentially detrimental effects mitigated through project design features described on pages 12 through 14. Alternative 2 was designed to respond to the purpose and need described in Chapter 1 of the EA.

Meeting the Purpose and Need

I have selected Alternative 2 because it best meets the Purpose and Need for action and is responsive to public comments and other agency concerns (EA, page 8; and project file, comment letters). Site specific analysis determined that this area is in need of a reduction in road density. The environment in the project area can be improved and moved toward desired conditions as a result of this project.

Specifically, Alternative 2 best meets the Purpose and Need because:

- It reduces the impacts to water quality and aquatic habitats associated with unneeded

roads

- Improves habitat conditions for fish, including westslope cutthroat trout, steelhead trout, spring chinook salmon and other aquatic organisms as well as wildlife species
- Reduces road maintenance costs.

Consideration of Issues and Concerns

Issues were generated internally, by the Interdisciplinary Team, and externally, through public comments. Involvement of the Idaho Department of Fish and Game, Idaho Division of Environmental Quality, and many other County, State and Federal Agencies, the Nez Perce Tribe, numerous private individuals, environmental organizations was sought to provide detailed information for defining the issues, concerns, mitigations and treatment options.

The interdisciplinary team designed the project to minimize effects on resources. Analysis of public and internal comments identified no major issues that would drive additional alternatives, especially when existing environmental conditions are considered. However, these comments did identify a number of concerns or non-significant issues that deserved consideration, and were used to refine the scope of the alternatives considered. These concerns were addressed through project design features. I find that the range of alternatives considered is thorough and complete.

Other issues were raised and discussed in the EA (pages 9-10), but were not evaluated in detail because the alternative already mitigated the issue (such as effects to threatened, sensitive or management indicator species, landslide prone areas, elk habitat effectiveness) or the issue was not applicable to the proposal (such as maintenance or spending money on trails).

I believe the issues and concerns identified throughout the scoping and planning process were fully addressed during alternative development and analysis.

Consideration of Public and Other Agency Comments

A summary of the comments received for the Lolo First 50 Road Decommissioning Environmental Assessment are included in Appendix A of this Draft Decision Notice. The original comment letters and all other comments received are included in the project file.

The formal scoping period for this project ended on November 1, 2013. A total of 6 letters were received. Comments that were received during that time were used to develop the issues that were included in the NEPA document, and to ensure that those issues were adequately analyzed.

The comment period for the EA ended on September 1, 2014. I considered these comments when making my Decision, and I find that the selected alternative responds to the issues and concerns that were brought forward by the public and other agencies. Letters from one commenter was received.

Forest Plan Consistency

The Forestwide goals, standards, and guidelines most applicable to this project pertain to road management for the benefit of aquatic and terrestrial habitats (EA, pages 24-25). Goals, objectives and standards for Management Areas E1 and M2 are described on pages III-1 through III-74 of the Clearwater FP Forest Plan. Alternative 2 will reduce potential sediment inputs into the aquatic ecosystem and meets watershed objectives, provide cover habitat for wildlife, while reducing road maintenance costs. Project design features and Best Management Practices would

be used to minimize effects to resources (Draft DN, pages 2-3, EA pages 12-14, and Chapter 3).

Alternatives Considered

The selected alternative and a no action alternative were analyzed in detail. Additionally, I considered 1 other alternative that was not analyzed in detail for reasons described below and in the EA, page 14. I selected Alternative 2 after considering how each alternative would respond to the purpose and need to improve aquatic and wildlife habitats and reduce road maintenance costs. I considered how each alternative would respond to the issues used to develop design criteria and issues carried through the analysis. I also considered the potential direct, indirect and cumulative effects of resources, such as wildlife, aquatic resources, and costs for each alternative. The features that I considered when making my Decision are briefly discussed below for each alternative.

Alternative 1: No Action

This alternative provided the perspective of the effects of no road decommissioning occurring within the Lolo First 50 Road Decommissioning project area at this time. This alternative represented the existing condition against which the other alternatives were compared. Under the No Action alternative, no watershed improvement activities would occur at this time. Alternative 1 does not meet the purpose and need for action (EA, page 12).

Alternative 2: Selected Alternative

This alternative will fully meet all aspects of the purpose and need and is described in detail on page 4 of this document.

Other Alternatives not Considered in Detail

One commenter suggested an alternative that creates some OHV loop trails where possible and puts the remaining roads into long term storage. This alternative partially meets the purpose and need to reduce road-related negative effects on streams; however it does not meet purpose to remove roads deemed not needed for future management. Roads placed into storage are not accessible by vehicles and would not be available for OHV use. Storing these roads would also mean that future costs would be incurred to either remove them or rebuild them. The creation of OHV loop trails are limited on the roads proposed for decommissioning as most dead end with little opportunity to connect them to other roads. In addition, the trails maintenance budget is also declining thereby making it unlikely that the Forest could build and maintain new trails.

Public Involvement

As described above, the need for this action was identified after completion of a detailed road needs analysis. A proposal to decommission roads was listed in the Schedule of Proposed Actions on January 1, 2014 (Lolo First 50 Road Decommissioning). On October 31, 2013, a scoping letter explaining the proposal and requesting comments was mailed to 182 individuals, and/or organizations, including interested parties, other agencies, and the Nez Perce Tribe. A Legal Notice appeared in the Lewiston Tribune on October 31, 2013. Six comments were received.

The IDT used the comments received from the public and other agencies to formulate the issues to be addressed in the EA. To address these issues, the IDT created the alternatives described above.

A 30-day comment period for the EA was advertised in the Lewiston Tribune on August 1, 2014. Copies of the Lolo First 50 Road Decommissioning Project EA were mailed out on the same day to individuals who had provided comments during the scoping period. One comment letter was received. I considered all of the public comments that were submitted in reaching my Decision to select Alternative 2. Responses to public comments are included in Appendix A of this Draft Decision Notice.

Finding of No Significant Impact

After considering the environmental effects described in the EA, I have determined that these actions will not have an effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. It is based on the following:

Context

The setting of the project is in an intensively managed roaded area. The resources affected by the proposal are described in the EA. The Selected Alternative is consistent with the management direction, standards and guidelines outlined in the Clearwater National Forest Plan. Local issues were identified through the scoping process and considered in alternative development and analysis. The project area is limited in size and the activities are limited in duration. Effects are local in nature and not likely to affect regional or national resources.

Intensity

I have determined the following with regard to the intensity of this project as identified in 40 CFR 1508.27.

1. ***The analysis considered both beneficial and adverse effects***. As described in Chapter 3 of the EA, impacts from this project are both beneficial and adverse. The adverse effects of road obliteration are minor in nature and will not permanently impair streams, plant, or wildlife habitat. The effects are short-term sediment input to streams, human disturbance to wildlife during project activities, and potential but minor losses of habitat for wildlife and sensitive plants. Long term effects are beneficial for aquatic, wildlife and plant species and their habitat. The beneficial and adverse impacts of this decision are addressed in Chapter 3 of the EA and the BE/BA (project file).

2. ***There will be no significant effects on public health and safety***, because OSHA safety regulations will be met during implementation and Forest Service inspectors will monitor all aspects of implementation to ensure public safety. Road decommissioning activities have been conducted across the Forest over the last 20 years without creating public safety or health problems.

3. ***There will be no significant effects on unique characteristics of the area,*** such as historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas because of protection measures integrated into the design of the project (EA, pages 12-14) and based on the discussion of effects found in the EA, Chapter 3. There are no park lands, prime farmlands, roadless areas, ecologically critical areas or wild and scenic rivers within the affected area. The effects to wetlands

(streams) are minor in the short term with long term benefits. No historic or cultural resources would be affected by the activities.

4. ***The effects on the quality of the human environment are not likely to be highly controversial***. The effects of the project are limited to the Lolo First 50 Road Decommissioning project area. No person has provided evidence that the environmental effects of the project have been wrongly predicted; therefore, the effects are not controversial. I believe we have addressed the known biological, social, and economic issues sufficiently to avoid scientific controversy over the scope and intensity of effects. Based upon reports and discussions with professional resource specialists, there is agreement by my staff and other professionals and agencies consulted about the effects and conclusions identified in the analysis. I conclude that the effects of this project do not represent a controversial impact upon the quality of the human environment, provided the design features and mitigation measures outlined in the EA are implemented.

5. ***The degree to which the possible effects on the human environment is highly uncertain or involves unique or unknown risks.*** The actions described are not new. The Forest Service has a long history of implementing these activities across the Nez Perce-Clearwater National Forest. The effects analysis shows the effects are not uncertain, and do not involve unique or unknown risk. Chapter 3 of the EA discloses the direct, indirect and cumulative effects of the selected actions. Pertinent scientific literature has been reviewed and incorporated into the analysis process and the technical analyses conducted for determinations on the impacts to the resources are supportable with use of accepted techniques, reliable data, and professional judgement.

6. ***The action is not likely to establish a precedent for future actions with significant effects***, because it conforms to all existing Forest Plan direction and is applicable only to the project area.

7. ***These actions are not related to other actions that, when combined, will have significant impacts.*** Cumulative effects are documented in Chapter 3 of the EA. There are no impacts to the overall watershed that would be cumulative to impacts from other activities. Effects to aquatic, wildlife and plant habitats and species are described in detail in Chapter 3 of the EA and project file and are generally minor when considered with other activities in the area.

8. ***The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places.*** One heritage site (mining ditch) was identified and would be buffered to protect it from project related activities.

9. ***The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.*** Species and their designated critical habitat occur within the project area. There would be negilible short term effects and long term beneficial effects to listed fish species (See EA, pages 18-20, 26 ; Project File, BE/BA).

10. ***The action will not violate Federal, State, and local laws or requirements for the protection of the environment.*** Applicable laws and regulations were considered in the EA (see Chapter 4). The action is also consistent with the Clearwater National Forest Plan (See EA pages 24-25). There is no conflict with any Federal or State or local laws.

Findings Required by Other Laws and Regulations

I have determined that my decision is consistent with the laws, regulations, and agency policies related to this project. The following summarizes findings required by major environmental laws. Compliance with other laws, regulations, and policies are listed in various sections of the EA, the Project Record, and the Forest Plan.

Watershed and Fisheries Resources Regulatory Framework

All Federal and State laws and regulations applicable to water quality would be applied to this road decommissioning project, including 36 CFR 219.27, the Clean Water Act, and Idaho State Water Quality Standards, Idaho Forest Practices Act, Idaho Stream Channel Protection Act, and Best Management Practices (BMP's). In addition, laws and regulations require the maintenance of viable populations of aquatic species including the National Forest Management Act (36 CFR 219.19), subsequent Forest Service direction (Fish and Wildlife Policy, 9500-4) and Forest Service manual direction (FSM 2470, 2600).

Endangered Species Act

The Biological Assessment documents a "no effect" determination for fall Chinook salmon. "No effect" calls do not require concurrence from the U.S. Fish and Wildlife Service or NOAA-Fisheries. The project "may affect, not likely adversely affect" bull trout, steelhead trout or steelhead designated critical habitat, and Canada lynx. In working with NOAA-Fisheries, we felt that the effects to steelhead were discountable but that there was some risk involved, even though it was very low. NOAA-Fisheries and USFWS have agreed on the determinations and concurrence letters are forthcoming (in process) and will be received prior to signing of the Final Decision for this project. Under provisions of the Endangered Species Act, Federal agencies are directed to seek to conserve endangered and threatened species and to ensure that actions are not likely to jeopardize the continued existence of any of these species. Upon review of the Lolo First 50 Road Decommissioning EA Chapter 3 and the Biological Assessment, I find that the Selected Alternative complies with this Act.

Environmental Justice

The Selected Alternative was assessed to determine whether it would disproportionately impact minority or low-income populations, in accordance with Executive Order 12898 (EA, page 27). No impacts to minority or low income populations were identified during scoping or effects assessment.

Forest Plan Consistency

The Lolo First 50 Road Decommissioning EA is tiered to the Clearwater Forest Plan and EIS, as amended. The project complies with all Forest Plan standards and guidelines. It removes roads no longer needed for management which in has positive effects fish and wildlife species,

including Management Indicator and Sensitive Species. BMPs would be used to minimize effects to species during project implementation. Applying BMPs would also help to meet both State and Forest Plan water quality standards.

This project complies with PACFISH standards and guidelines in that it has been designed to have a long term benefit to PACFISH Riparian Management Objectives (RMOs), including bank stability, pool frequency, water temperature, large woody debris and width/depth ratio.

National Environmental Policy Act

National Environmental Policy Act (NEPA) provisions have been followed as required in 40 CFR 1500. The proposed actions comply with the intent and requirements of NEPA. The Environmental Assessment analyzes a reasonable range of alternatives, including a No Action Alternative. It also discloses the expected effects of each alternative and discusses the identified issues and concerns.

Travel Management Rule (November 2, 2005)

The Clearwater National Forest has completed a Forestwide travel planning analysis consistent with the requirement of the 2005 Travel Management Rule. The Lolo First 50 Road Decommissioning project is consistent with the Travel Rule by conducting a transportation analysis of the project area to determine the minimum motorized transportation system needed.

Implementation Date

Implementation of this project can begin within 5 days of the signing of the Final Decision Notice/FONSI if no objections are raised. If an objection is raised, the Decision Notice/FONSI would be signed and implementation would begin after a response is given.

Administrative Objection Opportunity

The EA and draft Decision Notice were made available and a 45-day pre-decisional objection opportunity was offered beginning on February 11, 2015.

Contact

For additional information concerning this decision or the Forest Service appeal process, contact Karen Smith, Project Interdisciplinary Team Leader, Kamiah Ranger Station, 1012 Highway 64, Kamiah, Idaho 83536, phone (208) 935-4252.

Cheryl Probert Date
Nez Perce- Clearwater Forest Supervisor

APPENDIX A
Lolo 1st 50 Road Decommissioning Project
Environmental Assessment

Response to Comments

The Lolo 1st 50 Road Decommissioning Project Environmental Assessment was made available for public review and comment on August 1, 2014. One comment letter was submitted from Jonathan Oppenheimer from the Idaho Conservation League. The following are responses to the comments found in the letter:

Comment: As is discussed in the EA, the costs associated with road decommissioning will continue to increase with time. It would seem, then, that it makes both financial and ecological sense to accomplish the following:

A. Significantly increase the total number of road miles to be decommissioned, especially within RHCAs

   Response: An intensive roads analysis was completed for each Forest Service road within the Lolo Creek drainage, including roads within RHCAs (EA, pg. 5). The project would decommission the majority of roads identified as not needed for future management. There are only a few miles of road remaining that need further field review before a recommendation can be made as to their need. These will be addressed at a later time. The Lolo 1st 50 project emphasized the need to reduce the number of RHCA roads and identified 17 miles of RHCA roads for decommissioning. Decommissioning through previous projects has already occurred. The Forest is currently conducting road improvement activities through other projects on roads needed for management (EA, pg. 9). These activities are designed to reduce road-related sediment effects to Lolo Creek and its tributaries.

B. Further decrease the number of stream crossings in salmon and steelhead trout bearing streams by removing unnecessary culverts

   Response: The project would remove 3 crossing on fish bearing streams (cutthroat trout only) and an additional 93 culverts on non-fish bearing streams. When combined with the upcoming Lolo Insect and Disease Project road decommissioning, a total of 143 culverts, 6 of which occur on cutthroat trout only streams, would be removed.
   There are a total of 13 crossings on salmon and steelhead trout bearings streams on Forest lands in Lolo Creek. Eleven of these are bridges and 2 are fish passable culverts. They occur under roads used throughout the year for management and public access and have been deemed needed for long term future management.

C. Fully decommission the 128 miles of road already closed to all motor vehicle travel and restore the road beds to the maximum extent possible

   Response: The Lolo 1st 50 Project EA did not analyze the effect of the project on closed Forest system roads. A quick analysis shows that 13 miles of currently closed roads would be decommissioned under the project. The upcoming Lolo Insect and Disease project would decommission an additional 13 miles. The remaining roads have been deemed necessary for future management activities based on the road by road analysis conducted for the project area.